

AMENDED IN ASSEMBLY JULY 17, 2007

AMENDED IN SENATE MAY 23, 2007

AMENDED IN SENATE MAY 1, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 1029

Introduced by Senator Ducheny

February 23, 2007

An act to add Sections 116365.01 and 116365.02 to the Health and Safety Code, relating to drinking water standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1029, as amended, Ducheny. Drinking water standards.

Existing law, the Administrative Procedure Act, contains various provisions governing the conduct of administrative adjudication and rulemaking proceedings of state agencies. The act requires, among other things, an agency seeking to adopt regulations to submit to the Office of Administrative Law, in addition to its proposed regulations, a file that includes certain information, including a financial estimate, prepared in accordance with instructions adopted by the Department of Finance and authorizes the department to review any estimate created pursuant to these instructions.

Existing law, the Calderon-Sher Safe Drinking Water Act of 1996, requires the State Department of *Public Health Services* to, among other things, adopt regulations relating to primary and secondary drinking water standards for contaminants in drinking water, which are based upon specified criteria.

~~Effective July 1, 2007, responsibility for the administration of the above-mentioned provisions will be transferred to the State Department of Public Health.~~

This bill would require the Department of Finance, notwithstanding any other provision of law, to take no longer than 60 days, *from the date of submission of a rule or regulation by the State Department of Public Health to the Department of Finance*, to complete its documentation or estimate review, if required, in connection with any proposed regulation that is submitted by the department to the office in relation to the maximum contaminant levels for primary or secondary drinking water standards subject to certain limitations.

This bill would also permit the State Department of Public Health to adopt specified federal rules and regulations other than those relating to the maximum contaminant level of primary or secondary drinking water standards, in accordance with specified procedures.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that it is
2 essential for the protection of public health that primary and
3 secondary drinking water standards, as defined in subdivisions (c)
4 and (d) of Section 116275 of the Health and Safety Code, adopted
5 by the State Department of Public Health become effective and
6 enforceable, and are implemented by public water systems, by the
7 earliest feasible date after their adoption.

8 SEC. 2. Section 116365.01 is added to the Health and Safety
9 Code, immediately following Section 116365, to read:

10 116365.01. (a) (1) Notwithstanding any other provision of
11 law or regulation, including Chapter 3.5 (commencing with Section
12 11340) of Part 1 of Division 3 of Title 2, and Part 3 (commencing
13 with Section 13000) of the Government Code, and except as
14 provided in subdivision (b), for any proposed regulation that relates
15 to the maximum contaminant levels for primary or secondary
16 drinking water standards, as defined in subdivisions (c) and (d) of
17 Section 116275, that is submitted by the department to the Office
18 of Administrative Law for review, pursuant to Section 11349.1 of
19 the Government Code, the Department of Finance shall take no
20 longer than 60 days, *commencing on the date that the department*

1 *submits the rule or regulation to the Department of Finance, to*
2 *do any of the following:*

3 (A) Review any estimate pursuant to subdivision (c) of Section
4 11357 of the Government Code.

5 (B) Provide a letter or documentation, if required, pursuant to
6 Section 11349.1 of the Government Code.

7 (C) Complete any other function in connection with the adoption
8 of proposed regulations that relates to the maximum contaminant
9 levels for primary or secondary drinking water standards, as
10 required pursuant to any provision of Chapter 3.5 (commencing
11 with Section 11340) of Part 1 of Division 3 of Title 2 of the
12 Government Code.

13 (2) If the Department of Finance takes longer than 60 days to
14 complete any of the functions set forth in subparagraphs (A) to
15 (C), inclusive, of paragraph (1), the proposed regulations shall be
16 exempt from any provision of Chapter 3.5 (commencing with
17 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
18 Code that requires the involvement of the Department of Finance,
19 and the department and the Office of Administrative Law shall
20 proceed with all other applicable procedures in connection with
21 the adoption of proposed regulations.

22 (b) Subdivision (a) shall not apply to any regulation adopted by
23 the department that reduces, weakens, lessens, or otherwise
24 undermines any requirement established pursuant to this chapter
25 for the protection of public health.

26 SEC. 3. Section 116365.02 is added to the Health and Safety
27 Code, to read:

28 116365.02. (a) The department may adopt, pursuant to
29 subdivision (c) of Section 11346.2 of the Government Code, any
30 rules and regulations promulgated pursuant to the federal Safe
31 Drinking Water Act (42 U.S.C. Sec. 300f et seq.), other than those
32 federal rules and regulations that establish maximum contaminant
33 levels for primary and secondary drinking water standards.

34 (b) Rules and regulations adopted pursuant to this subdivision
35 shall not be subject to subparagraphs (C) and (D) of paragraph (3)
36 of subdivision (d) of Section 11349.1 of the Government Code.